

ATTACHMENT E
STANDARD PROVISIONS

1. **Duty to Comply.** Dischargers shall comply with all of the conditions of this General Permit. Any General Permit noncompliance constitutes a violation of the Clean Water Act (CWA) and the Porter-Cologne Water Quality Control Act (CWC), which may be grounds for enforcement action or denial of General Permit coverage.

Dischargers shall comply with effluent standards or prohibitions established under Section 307 (a) of the CWA for toxic pollutants within the time provided in the regulation that establish these standards or prohibitions, even if this General Permit has not yet been modified to incorporate the requirement.

2. **General Permit Actions.** This General Permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the Discharger for a General Permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any General Permit condition.

If any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Section 307 (a) of the CWA for a toxic pollutant which is present in the discharge and that standard or prohibition is more stringent than any limitation on the pollutant in this General Permit, this General Permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition, and the Discharger so notified.

3. **Need to Halt or Reduce Activity not a Defense.** It shall not be a defense for a Discharger in an enforcement action that it would have been necessary to halt or reduce the general permitted activity in order to maintain compliance with the conditions of this General Permit.
4. **Duty to Mitigate.** Dischargers shall take all reasonable steps to reduce or prevent any discharge in violation of the Marina General Permit that has a reasonable likelihood of adversely affecting human health or the environment.
5. **Proper Operation and Maintenance.** Dischargers at all times shall properly operate and maintain any facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Dischargers to achieve compliance with the conditions of this General Permit and, when applicable, with the requirements of the facility SWPPP. Proper operation and maintenance also include adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance may require the operation of backup or auxiliary facilities or similar systems installed by Dischargers when necessary to achieve compliance with the conditions of this General Permit.

- 6. Property Rights.** This General Permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, State, or local laws or regulations.
- 7. Duty to Provide Information.** Within a reasonable time specified by the Regional Board, SWRCB, USEPA, or municipal stormwater management agency, Dischargers shall furnish requested Marina General Permit-related records, reports, or information.
- 8. Inspection and Entry.** Upon the presentation of credentials and other documents as may be required by law, Dischargers shall allow the Regional Board, SWRCB, USEPA, or municipal stormwater management agency to:
- a. Enter upon the Discharger's premises where a regulated facility or activity is located or conducted or where records are required to be kept under the conditions of this General Permit;
 - b. Have access to and copy at reasonable times any records that must be kept under the conditions of this General Permit; and
 - c. Inspect at reasonable times any facilities or equipment (including monitoring and control equipment) that are related to or may impact storm water discharge or authorized non-stormwater; and
 - d. Conduct monitoring activities at reasonable times for ensuring compliance with the Marina General Permit; and
 - e. Photograph or videotape outdoor areas of the facility to document compliance or non-compliance with this Marina General Permit.
- 9. Signatory Requirements.**
- a. All NOIs and NOTs submitted to the Regional Board shall be signed as follows:
 - i. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (a) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions.
 - ii. For a partnership or sole proprietorship: by a general partner of the proprietor, respectively; or
 - iii. For a municipality, State, federal, or other public agency: by either a principal executive officer or ranking elected official. The principal executive officer of a federal agency includes the chief executive officer of the agency or the senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g. Regional Administrations of USEPA).

- b. Other than NOIs and NOTs, all reports, certifications, and records required by this Marina General Permit or requested by the Regional Board, SWRCB, USEPA, or municipal stormwater management agency shall be signed by a person described above or by a duly authorized representative. A person is a duly authorized representative only if:
 - i. The authorization is made in writing and retained as part of the SWPPP;
 - ii. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of manager, operator, superintendent, or position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.);
 - iii. If an authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization must be attached to the SWPPP prior to submittal of any reports, certifications, or records signed by the authorized representative.

10. Certification. Any person signing documents under Provision 9 above shall make the following certification:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

11. Reporting Requirements.

- a. Planned changes: Dischargers shall give advance notice to the Regional Board and municipal stormwater management agency of any planned physical alteration or additions to the general permitted facility. Notice is required under this provision only when the alteration or addition could significantly change the nature or increases the quantity of pollutants discharged;
- b. Anticipated non-compliance: Dischargers will give advance notice the Regional Board and municipal stormwater management agency of any planned changes at the permitted facility which may result in noncompliance with the requirements of the Marina General Permit;

- c. Compliance schedules: Reports of compliance or noncompliance with or any progress reports on interim and final requirements contained in any compliance schedule of the Marina General Permit shall be submitted no later than 14 days following each scheduled date;
- d. Non-compliance reporting: Dischargers shall report any non-compliance at the time monitoring reports are submitted. The written submission shall contain (1) a description of the non-compliance and its cause; (2) the period of non-compliance, including exact dates and times the non-compliance began and was (or will be) corrected; and (3) the steps taken or planned to reduce and prevent recurrence of the noncompliance.

12. Oil and Hazardous Substance Liability. Nothing in the Marina General Permit shall be construed to preclude the institution of any legal action or relieve Dischargers from any responsibilities, liabilities, or penalties to which Dischargers are or may be subject under Section 311 of the Clean Water Act.

13. Severability. The provisions of the Marina General Permit are severable; and if any provision of this Marina General Permit or the application of any provision of the Marina General Permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this Marina General Permit shall not be affected thereby.

14. Reopener Clause. This Marina General Permit may be modified, revoked, and reissued, or terminated for cause due to promulgation of amended regulations, receipt of USEPA guidance concerning regulated activities, judicial decision, or in accordance with 40 CFR 122.62, 122.63, 122.64, and 124.5. This Marina General Permit may also be opened to incorporate any revisions to a facility's Stormwater Pollution Prevention Plan.

15. Penalties for Violation of General Permit Conditions. Significant penalties may be imposed for violation of this Marina General Permit, pursuant to California Water Code section 13385 and other State and federal statutes. Court-imposed liability may exceed \$25,000 per day, and the Regional Board may impose administrative fines exceeding \$10,000 per day.

16. Availability. A copy of the Marina General Permit and completed NOI shall be maintained at the facility and be available at all times to the appropriate facility personnel and to representatives of the Regional Board, SWRCB, USEPA, or municipal stormwater management agency.

17. Transfers. Authorization under the Marina General Permit to discharge or be conditionally excluded from the Marina General Permit is not transferable from one location to another location. In accordance with the requirements of this Marina General Permit, Dischargers shall submit a new NOI when ownership or facility location transfers occur.

18. Continuation of Expired General Permit. This Marina General Permit continues in force and effect until the Regional Board adopts a new Marina General Permit or rescinds this

Marina General Permit. Dischargers subject to the expiring General permit may be required to file a new NOI as required by the reissued Marina General Permit.

19. Penalties for Falsification of Reports. Section 309 (c) of the CWA provides that any person who knowingly makes any false material statement, representation, or certification in any record or other document submitted or required to be maintained under this Marina General Permit, including reports of compliance or noncompliance, shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment for not more than two years, or by both.